

ORDINANCE NO. 2009-09

2009 MAY 26 A 11: 21

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF CINDY MURRAY
TIPPECANOE COUNTY, INDIANA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THAT THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, BEING A SEPARATE ORDINANCE AND PART OF THE MUNICIPAL CODE OF LAFAYETTE, INDIANA, IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change **UZO Section 1-10-2 Words and Terms Defined**, to read as follows:

FRONT LOT LINE.

- (1) For an *interior lot*, the line marking the boundary between the *lot* and the edge of the *right-of-way* of the abutting *street*;
- (2) For a *corner lot*, the line marking the boundary between the *lot* and the edge of the *right-of-way* of the shorter of the two abutting *street* segments except as deed restrictions specify otherwise. However, no deed restriction may create a *nonconforming lot* or a *nonconforming structure*, nor may any deed restriction make any existing *nonconforming lot* or *nonconforming structure* more nonconforming with respect to any setback;
- (3) For a *through lot*, the line designated in 4-4-2-b marking the boundary between the *lot* and the edge of the *right-of-way* of the abutting *street*, or the line marking the boundary between the *lot* and a lake or watercourse except as deed restrictions specify otherwise; and
- (4) For a *lot* without *street frontage*, the line designated as the **FRONT LOT LINE** except as deed restrictions specify otherwise. However, no deed restriction may create a *nonconforming lot* or a *nonconforming structure*, nor may any deed restriction make any existing *nonconforming lot* or *nonconforming structure* more nonconforming with respect to any setback.

FRONT SETBACK. An open space extending a *lot's* full width, measured as the shortest distance between the *front lot line* and the nearest exterior wall (excluding *structural projections*) of the *lot's primary use building*. For a *corner lot*, the **FRONT SETBACK** always abuts the shorter of the two *street frontages*, unless deed restrictions specify otherwise. However, no deed restriction may create a *nonconforming lot* or a *nonconforming structure*, nor may any deed restriction make any existing *nonconforming lot* or *nonconforming structure* more nonconforming with respect to any setback.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
LAFAYETTE, INDIANA, THIS 1 DAY OF June, 2009.

ATTEST:

Cindy Murray
Cindy L. Murray, City Clerk

Steven Meyer
Steven Meyer, Presiding Officer

Presented by me to the Mayor of the City of Lafayette, Indiana, on the 1 day
of June, 2009.

Cindy L. Murray
Cindy L. Murray, City Clerk

This Ordinance approved and signed by me on the 1 day of
June, 2009.

Tony Roswarski
Tony Roswarski, Mayor

ATTEST:

Cindy Murray
Cindy L. Murray, City Clerk



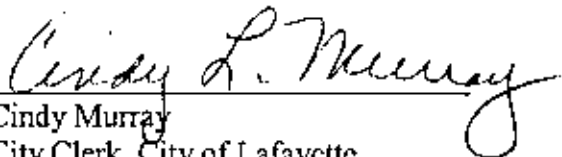
CINDY MURRAY
CITY CLERK

Certificate

STATE OF INDIANA)
)
COUNTY OF TIPPECANOE) SS:
)
CITY OF LAFAYETTE)

This is to certify that the Common Council of the City of Lafayette did pass
Ordinance 2009-09 at their regular meeting on the 1st day of June 2009
The vote was 8 ayes and 0 nays.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LAFAYETTE, INDIANA
ON THIS 1st DAY OF June 2009.


Cindy Murray
City Clerk, City of Lafayette

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

May 21, 2009
Ref. No.: 09-151

Lafayette City Council
20 N. 6th Street
Lafayette IN 47901

CERTIFICATION

RE: UZO AMENDMENT # 60

An omnibus amendment to Chapter 1: Words and Terms Defined regarding the definitions of front lot line and front setback, Chapter 2: PD checkpoint agencies list, Chapter 3: Permitted use table (correcting footnote 8) and Chapter 4: setbacks for parking and buffering for residential PDs.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 20, 2009, the Area Plan Commission of Tippecanoe County voted 13 yes - 0 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette City Council that the proposed zoning ordinance amendment be approved.

Sincerely,


Sallie Dell Fahey
Executive Director

SDF/lmu

Enclosure: Staff Report and Ordinance

**UZO AMENDMENT #60
OMNIBUS AMENDMENT**

**STAFF REPORT
May 14, 2009**

UZO AMENDMENT 60 OMNIBUS AMENDMENT

Staff Report
May 14, 2009

STAFF COMMENTS:

1. Amending front lot line and front setback:

This proposed addition to the definitions of front lot line and front setback are needed to prevent property owners of corner lots from using deed restrictions to circumvent the need for a variance in certain cases. This would be accomplished by the addition of this statement to both definitions: "However, no deed restriction may create a **nonconforming lot** or a **nonconforming structure**, nor may any deed restriction make any existing **nonconforming lot** or **nonconforming structure** more nonconforming." This was approved by Ordinance Committee on July 2, 2008.

2. and 3. Adding the PD zone to two bufferyard charts:

Currently, an open use (for example, a junk yard or a mining operation) has to provide both a bufferyard and a 100' to 200' setback from a residential zone or rural zone boundary line (the smaller the setback, the bigger and denser the bufferyard requirement). But because the chart does not list PD zones, a junk yard or mining operation could locate adjacent to residences in a PD built near the PD's zone boundary with no bufferyard or increased setback necessary.

Similarly, when a property is undergoing new development in the I2 or I3 zone adjacent to an R1 zone, there is a bufferyard requirement along that zone boundary which would protect homes from potentially incompatible neighboring industrial uses. Currently, there is no required buffering of a residential component of a PD except for PDRS zones. Houses or condominiums within any other type of PD development would not be protected. This amendment would simply rectify these two oversights. These proposals were approved by Ordinance Committee on April 1, 2009.

4. List of Checkpoint Agencies:

On page 103 of the UZO, Section 2-27-5-c-1 lists the checkpoint agencies that petitioners filing planned developments have to provide with a set of plans. The list for the City of West Lafayette includes "United Water of West Lafayette". This was at one time the water utility for West Lafayette, but it's not any longer. (It's now Indiana-American Water.) To prevent this from happening again with every change of a utility's name, staff is proposing amending it to the more generic, "appropriate water department". This phrase is already in use in the same list under Tippecanoe County checkpoints. This was approved by Ordinance Committee on April 16, 2009.

5. Setbacks for parking:

Currently, Section 4-4-6 (f) of the ordinance states, "No **parking space** shall be located between a **building** and the **right-of-way line** of any adjoining **street** in NBU, CB or CBW **zones**, except at sites surrounded on all sides by **streets**."

Staff would like to change this and add to it as follows:

No **parking space** shall be located between a **building** and the **right-of-way line** of any adjoining **street** in NBU, CB or CBW **zones**, except at sites surrounded on all-sides three sides or more by **streets**. If surrounded on three sides by **streets**, parking may be located between a **building** and one adjoining **street right-of-way line**. If surrounded on four or more sides by **streets**, parking may be located between a **building** and two adjoining **street rights-of-way**.

This amendment ties down the areas where parking can be located and helps maintain the intent of the downtown districts. It would eliminate the possibility of a suburban style development with parking on all sides and the building in the middle of the lot. This was approved by Ordinance Committee on April 16, 2009.

6. Footnote 8:

Footnote 8 from the Permitted Use Table states, "Permitted in NB, NBU, OR, CB and CBW **zones** only with no outdoor operation or storage of materials and equipment, and maximum **gross floor area** of 5000 square feet. Permitted by Special Exception in A, AA and AW **zones** on 5 acres or more, with maximum **gross floor area** of 5000 square feet." It applies to SIC 15, Building Construction; SIC 1611, Asphalt or concrete paving; and SIC 17, Construction; all of which makes sense because the use table indicates these same uses are permitted by right or by special exception in those zones. But the footnote is also shown as applying to SIC 50 and 51, Wholesale trade-durable and nondurable goods, which is only permitted in GB and the industrial zones. Staff would simply like to see this footnote removed from SIC 50 and 51 where it does not apply. This was approved by Ordinance Committee on April 16, 2009.

STAFF RECOMMENDATION:

Approval

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER _____ OF ORDINANCE NO. _____ BEING THE UNIFIED ZONING ORDINANCE OF TIPPECANOE COUNTY.

Be it ordained by the (County Commissioners of Tippecanoe County, Indiana; the Common Council of the City of Lafayette, Indiana; the Common Council of the City of West Lafayette, Indiana; the Town Council of the Town of Battle Ground, Indiana; the Town Council of the Town of Dayton, Indiana; and the Town Council of Clarks Hill, Indiana), that Ordinance No. _____, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change **UZO Section 1-10-2 Words and Terms Defined**, to read as follows:

FRONT LOT LINE.

- (1) For an *interior lot*, the line marking the boundary between the *lot* and the edge of the *right-of-way* of the abutting *street*;
- (2) For a *corner lot*, the line marking the boundary between the *lot* and the edge of the *right-of-way* of the shorter of the two abutting *street* segments except as deed restrictions specify otherwise. However, no deed restriction may create a *nonconforming lot* or a *nonconforming structure*, nor may any deed restriction make any existing *nonconforming lot* or *nonconforming structure* more nonconforming with respect to any setback;
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may any deed restriction make any existing *nonconforming lot* or *nonconforming structure* more nonconforming with respect to any setback.

Section 2: Change 4-9-3-a **TYPE OF BUFFERYARD REQUIRED ALONG A LOT LINE SEPARATING A ZONE UNDERGOING DEVELOPMENT OR REDEVELOPMENT AND AN ABUTTING ZONE** by revising the current table heading as shown below:

ZONE UNDERGOING NEW DEVELOPMENT OR REDEVELOPMENT	ZONE ABUTTING NEW DEVELOPMENT OR REDEVELOPMENT					
	R1 R1A R1B R1U R1Z R2 R2U R3 R3W R4W MR NBU RE & the residential portion of PD Zones (Am 27)	OR	NB GB HB	I1 I2	I3	A AA AW FP
I1	B	---	A	---	A	B1
I2 I3	C	B	A	A	---	C1

Section 3: Change 4-9-7-c-1 **BUFFERYARD REQUIREMENTS FOR CERTAIN OPEN USES** by changing the table heading as shown below:

SETBACK FROM LOT LINE ADJOINING:		
RURAL, RES. OR RES. PORTION OF PD ZONES	COMML. OR IND. ZONE	TYPE OF BUFFERYARD
100' - 149.9'	30' - 99.9'	C
150' - 199.9'	100' - 149.9'	B
200' or more	150' or more	A

Section 4: Change 2-27-5-c-1 by changing "United Water of West Lafayette" to "appropriate water department".

Section 5: Change Section 4-4-6 (f) to read as follows:

No *parking space* shall be located between a *building* and the *right-of-way line* of any adjoining *street* in NBU, CB or CBW *zones*, except at sites surrounded on three sides or more by *streets*. If surrounded on three sides by *streets*, parking may be located between a *building* and one adjoining *street right-of-way line*. If surrounded on four or more sides by *streets*, parking may be located between a *building* and two adjoining *street rights-of-way*.

Section 6: Change Section 3-2, Permitted Use Table by eliminating footnote 8 from SIC 50 and 51.

This ordinance shall be in full force and effect from and after its passage.